

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 03 CV 12307 RGS

JOSEPH CHRISTOFORO  
Plaintiff

VS.

JULIO LUPO, FRANK G. COUSINS, JR.,  
INDIVIDUALLY AND IN HIS CAPACITY  
AS ESSEX COUNTY SHERIFF, and  
CERTAIN UNKNOWN INDIVIDUALS  
Defendants

**MOTION OF DEFENDANT JULIO LUPO  
FOR SUMMARY JUDGMENT**

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Now comes the Defendant, Julio Lupo, and moves for summary judgment pursuant to Fed. Rule of Civ. Pro. Rule 56 with regard to Count I of the Plaintiff's Amended Complaint.

As reasons therefor, there exist no genuine issues of material fact and the Defendant is entitled to judgment as a matter of law.

In support hereof, the Defendant submits the attached Memorandum of Law and Exhibits. (Please note that to computer scanning problems, the Defendant will e-file the Exhibits within the next two days).

Respectfully submitted,  
DEFENDANT, JULIO LUPO  
By his Attorney,

/s/ "Jay Hodapp"  
Jay Hodapp/BBO #551348  
Joseph W. Monahan, III/BBO #351000  
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Dated June 20, 2005